

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15758

WATER DIVISION 2-C

Background

1. Surface water appropriation A-15758 is currently held by Brush Creek Ranch.
2. Appropriation A-15758 authorizes the use of water for irrigation of the 110.2 acres of land described below. The water may be diverted from Brush Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 32 North, Range 14 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.57 cfs.

Township 32 North, Range 14 West of the 6 th P.M. in Holt County		Acres
Section 12:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.88
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.22
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	23.88
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.22
TOTAL		110.20

3. Lon W. Keim, on behalf of Brush Creek Ranch, filed EXT-1555, an application for a permit for an expedited transfer of the location of use requesting a transfer for 105.5 of the 110.20 acres under surface water appropriation A-15758.
4. On September 25, 2008, Lon W. Keim, on behalf of Brush Creek Ranch, filed REL-1557, a partial relinquishment of water appropriation A-15758, relinquishing the right to divert water under A-15758 for use on the land described below.

Township 32 North, Range 14 West of the 6 th P.M. in Holt County		Acres
Section 12:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.7

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-15758 at the rate of 0.07 cfs is CANCELLED for use on the land described below.

<u>Township 32 North, Range 14 West of the</u> <u>6th P.M. in Holt County</u>	<u>Acres</u>
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Section 12: NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.7
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2. Appropriation A-15758 authorizes Brush Creek Ranch the use of water for irrigation of the 105.5 acres of land described below. The water may be diverted from Brush Creek at a point of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 32 North, Range 14 West of the 6th P.M. in Holt County at a maximum rate of 1.51 cfs (678 gallons per minute). The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

<u>Township 32 North, Range 14 West of the</u> <u>6th P.M. in Holt County</u>	<u>Acres</u>
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Section 12: NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.88
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.22

NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.18
SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.22

TOTAL	105.50
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3. All terms and conditions of appropriation A-15758 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

November 24, 2008

/S/
Brian P. Dunnigan, P.E., Acting Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on November _____, 2008, to the following:

Brush Creek Ranch
89105 480th Avenue
Atkinson, NE 68713

Lon W. Keim
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Omaha, NE 68124-0738